c.8.1001 — 1

SINGLE BENCH (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 931 OF 2006

PETITIONERS

1. M/s Krishna Fields Investors Pvt. Ltd., a company duly registered under the relevant provisions of the Indian Companies Act, 1952, having its registered office at "Krishna Kunj", Main Road, Samta Colony, Raipur through the General Manager, Shri P.K. Sharma, son of Late Ramadhar Sharma, aged about 48 years, resident of Samta Colony, Raipur.

2. Shri P.K. Sharma, son of Late Ramadhar Sharma, aged about 45 years, General Manager, M/s Krishna Fields Investors Pvt. Ltd., "Krishna Kunj", Main Road, Samta Colony, Raipur.

P.R. No. 1013106
Presented by Shri B.P. Sharma
dated 24.1.06

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VS

RESPONDENTS

1. Chhattisgarh State Electricity Board, through the Chief Engineer, Extra High Tension Department, C.S.E.B., Danganiya, Raipur.

2. State of Chhattisgarh,

(4)

through the District Magistrate / Collector, Raipur.

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS /CERTIORARI ETC OR DIRECTION(S) / ORDER(S) IN THE LIKE NATURE ETC.

(103)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 931 of 2006

Petitioner — M/s Krishna Fields Investors Pvt. Ltd. and another

Versus

Respondents — Chhattisgarh State Electricity Board and another

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri B. P. Sharma, Advocate for the petitioners.

Shri A. S. Gaharwar, Advocate for the Respondent No.1.

Shri Sunil Otwani, Panel lawyer for the respondent No. 2.

ORAL ORDER

(11th May, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. By the present petition the petitioners seek to challenge the action of the respondents in erecting poles for high tension electric lines over the land of the petitioners without affording any opportunity of hearing.

2. The return has been filed by the respondent No.1.

3. Learned counsel for the respondent No.1 submits that in view of the observations made by this Court in the order dated 30.1.2006 passed in W.P.No. 454/2006, there is no question of affording any opportunity of hearing to the petitioners. The order dated 30.1.2006 reads as under:-

> "The petitioner, who is the owner of the subject land, being aggrieved by the action of the third respondent-Board in drawing high tension electric line across the subject land and refusal of the second respondent to accede to the request of the petitioner that high tension electric line should be drawn across the corner of the subject land, has filed this writ petition seeking intervention of the

(104)

Court. The power of the third respondent-Board to draw the high-tension electric line across the land of the petitioner under section 10 of the Telegraphic Act could not be questioned. Hearing of the owner of the property is not contemplated. The only right available to the owner of the property is to seek compensation. In that view of the matter, I dismiss the writ petition. It is now open to the petitioner to make appropriate application before the District Magistrate for determination of the compensation to be paid in respect of the land of the petitioner used by the third respondent-Board and if such an application is made, it is hoped that the District Magistrate shall consider the same and pass appropriate order with promptitude. No costs."

4. Learned counsel for the respondent No.1 further submits that the claim of the petitioners would be only to the extent of compensation for acquisition of the land for the purpose of erecting high tension electric lines tower.

5. Learned counsel for the petitioners submits that due to erection of the high tension electric lines tower, the entire land of the petitioners has become useless for any purpose of the petitioners.

6. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case the petition is disposed of in terms of the order dated 30.1.2006 passed in W. P. No. 454/2006. However, liberty is reserved to the petitioners to make appropriate representation in regard to grant of compensation for the adjacent land which may become, according to the learnd counsel for the petitioners, useless after acquisition of the piece of land for erection of high tension electric lines tower in question. On such representation being made, the concerned authority shall decide the same, in accordance with law. No order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge